Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sid Richardson Carbon Borger Plant, 9455 Farm-to-Market Road 1559, Borger, Hutchinson County

Type of Operation:

Carbon black manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 14, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,431

Amount Deferred for Expedited Settlement: \$2,086 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,345

Total Due to General Revenue: \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

conditional offset.

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: September 11, 2012, November 7, 2012 and November 8,

2012

Date(s) of NOE(s): October 10, 2012 and January 25, 2012

Violation Information

- 1. Failed to submit an initial notification for Incident No. 168666 no later than 24 hours after the discovery of the emissions event. Specifically, the emissions event occurred on May 19, 2012, but the initial notification was not submitted until May 21, 2012 [30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)].
- 2. Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on May 19, 2012 and lasted seven hours and 35 minutes (Incident No. 168666), Respondent released 329.71 pounds ("lbs") of carbon monoxide, 24.26 lbs of nitrogen oxides, 32.49 lbs of particulate matter, 928.36 lbs of sulfur dioxide, 1.58 lbs of carbonal sulfite, 4.73 lbs of carbon disulfide, 4.73 lbs of hydrogen sulfide, and 13.28 lbs of volatile organic compounds from Flare-2. This emissions event occurred because the Unit 2 Primary Bag Filter valve malfunctioned and caused the offgas to be routed to Flare-2. Since this emissions event was reported late, Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit Nos. 1867A and PSDTX1032, Special Conditions No. 1A].
- 3. Failed to identify the individually listed compounds or mixtures of air contaminants released during the emissions event that occurred on August 7, 2012 (Incident No. 171999). Specifically, the final emissions event report failed to include particulate matter with diameters less than 10 micrometers ("PM10"), carbon black, during the event [30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)].
- 4. Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on August 7, 2012, and lasted twenty minutes (Incident No. 171999), Respondent released 991.61 lbs of PM10, carbon black, from Plant 1 Secondary Filter Stack, Emission Point No. ("EPN")-2. Also, the emissions event resulted in 100% opacity from EPN-2 for twenty minutes and the permit limits the opacity to 15% averaged over a 6-minute period. This emissions event occurred because the Unit 2 Secondary Bag Filter housing was mechanically damaged due to overload and overpressure causing a crack. Since the final report for this emissions event was incomplete, Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit Nos. 1867A and PSDTX1032, Special Conditions Nos. 1A and 2].

5. Failed to report completely and adequately all instances of deviations. Specifically, Respondent failed to include five upset events and the late submittal of a previous semi-annual deviation report on the semi-annual deviation report covering the period of September 20, 2010 through March 19, 2011 [30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-1414, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. By August 8, 2012, trained operators to ensure the timely submittals of emissions event reports; and
- b. By May 21, 2012, implemented a routine preventive maintenance program to prevent reoccurrence of similar emissions events as Incident No. 168666.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days:
- i. Implement measures designed to prevent recurrences of emissions events due to similar causes as Incident No. 171999;
- ii. Implement procedures to ensure that reportable emissions event notifications are submitted completely and accurately; and
- iii. Implement measures to ensure that all deviation reports are submitted completely and accurately.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Long Nguyen, Environmental, Health and Safety Manager, Sid Richardson Carbon, LTD., 201 Main Street, Suite 3000, Fort Worth, Texas 76102 A. Riaz Bismilla, Vice President, Production, Sid Richardson Carbon, LTD., 201 Main

Street, Suite 3000, Fort Worth, Texas 76102

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 31-Jan-2013 PCW 20-Feb-2013 Screening 7-Feb-2013 EPA Due 22-Oct-2013 RESPONDENT/FACILITY INFORMATION Respondent Sid Richardson Carbon, LTD. Reg. Ent. Ref. No. RN100222413 Facility/Site Region 1-Amarillo Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 45291 No. of Violations 4 Docket No. 2012-2164-AIR-E Order Type 1660 Media Program(s) Air Government/Non-Profit No Multi-Media Enf. Coordinator Rajesh Acharya EC's Team Enforcement Team 4 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$8,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$2,160 27.0% Enhancement Enhancement for one agreed order with denial of liability, one NOV with Notes

same/similar violations, and one NOV with dissimilar violations.

The Respondent does not meet the culpability criteria.

Deferral offered for expedited settlement.

0.0% Enhancement

0.0% Enhancement*

Capped at the Total EB \$ Amount

0.0%

20.0%

Culpability

Notes

Economic Benefit

Notes

Notes

PAYABLE PENALTY

SUM OF SUBTOTALS 1-7

STATUTORY LIMIT ADJUSTMENT

Good Faith Effort to Comply Total Adjustments

\$116

\$4,250

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Total EB Amounts

Approx. Cost of Compliance

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

\$0

\$999

\$0

\$0

\$9,161

\$9,161

\$9,161

-\$1,832

\$7,329

Subtotal 4

Subtotal 5

Subtotal 6

Final Subtotal

Final Penalty Amount

Final Assessed Penalty

Reduction

Adiustment

Adjustment

Screening Date 7-Feb-2013

Docket No. 2012-2164-AIR-E

Respondent Sid Richardson Carbon, LTD.

Case ID No. 45291

Reg. Ent. Reference No. RN100222413

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	Number of	Enter Number Here	Adj
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5
	Other written NOVs	1	2
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0
Emissions	Chronic excessive emissions events (number of events)	0	0
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	and a committee control of the contr	0
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0

Environmental management systems in place for one year or more 0% Nο Voluntary on-site compliance assessments conducted by the executive director No 0% under a special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance **History** Notes

Enhancement for one agreed order with denial of liability, one NOV with same/similar violations, and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

\$590 DECEMBER 1000 DECEMBER 10	ning Date		***************************************	Docket	No. 2012-2164-AIR-E		PCW
\$20070000000000000000000000000000000000	espondent ase ID No.	Sid Richardson Ca	arbon, LTD.				n 3 (September 2011)
Reg. Ent. Refe						PCW K	evision August 3, 2011
Media	[Statute]	Air					
	oordinator tion Number	Rajesh Acharya					
				1 301/2\/1\/P\			
indefenomental control of the contro	Rule Cite(s)	30 Tex. Adm	in. Code § 10	382.085(b	and Tex. Health & Safety)	Code §	
Violation	Description	hours after the c	liscovery of ti	ne emissions eve	ident No. 168666 no late nt. Specifically, the emis ication was not submitte	sions event	
200000000000000000000000000000000000000			,		Ва	se Penalty	\$25,000
>> Environmen	tal, Proper	ty and Humai		latrix			
OR	Release Actual	Major	Harm Moderate	Minor			
	Potential				Percent 0.09	6	
>>Programmat		Maia	Madawata	Minne			
	Falsification	Major	Moderate	Minor x	Percent 1.0%	6	
F							
Matrix Notes		Less than	30% of the	rule requirement	was not met.		
<u> </u>						¢34.750	
					Adjustment	\$24,750	
ripodriado de micros						L	\$250
Violation Events	•			7			
over a service of the	Number of V	iolation Events	144	8	Number of violatio	n days	
		daily					***************************************
downer		weekly monthly					
THE PERSON NAMED IN THE PE	mark only one with an x	quarterly			Violation Ba	se Penalty	\$250
na minoroccurron	(7/a. a., /	semiannual					or an analysis of the second
		annual single event	X				оссероимости
							V-000000000000000000000000000000000000
		(One single ev	ent is recommen	ded.		depayment
							TE DISSENSE
Good Faith Effor	rts to Comp		25.0% R				\$62
execution in the second in the		Extraordinary	Before NOV N	OV to EDPRP/Settler	nent Offer		anna ya wakikiki
appleAWwarde		Ordinary	×				Visiteraniem
VOCATA VACATA CARTA CART		N/Al_ ICT		nark with x)	rective actions by August	1	подставляний
-		Notes			er 10, 2012 Notice of		The state of the s
Taxonia de la companya del companya de la companya del companya de la companya de		Library 1			Violatio	n Subtotal	\$188
Economic Benef	it (EB) for	this violation			Statutory Lim	it Test	
Verferbonnen	Estimate	ed EB Amount		\$8	Violation Final Pe	nalty Total	\$256
			This violat	ion Final Asses	sed Penalty (adjusted	for limits)	\$256
						, _	

Media Violation No	206					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost		Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$750	20-May-2012	8-Aug-2012	0.22	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	Estimated cos	st for training ope	rators to ensure	the tin	nely submittals of	emissions event rep	
Notes for DELAYED costs	Required	l is the date the in	nitial notification	was du	ue and the Final D	emissions event reparted at the contract of contract is the date of contract of contract of the contract of th	oorts. The Date mpliance.
Avoided Costs	Required	l is the date the in	nitial notification	ı was dı enterin	ue and the Final D	emissions event reparts at the date of co	oorts. The Date mpliance. led costs)
Avoided Costs	Required	l is the date the in	nitial notification	was du enterin	ue and the Final D og item (except 1 \$0	emissions event repate is the date of co	oorts. The Date mpliance. led costs) \$0
Avoided Costs Disposal Personnel	Required	l is the date the in	nitial notification	was du enterin 0.00 0.00	ue and the Final D og item (except \$0 \$0	emissions event repate is the date of co	oorts. The Date mpliance. led costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Required	l is the date the in	nitial notification	was du enterin 0.00 0.00 0.00	ue and the Final D og item (except \$0 \$0 \$0 \$0	emissions event repate is the date of co	oorts. The Date impliance. led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Required	l is the date the in	nitial notification	enterin 0.00 0.00 0.00 0.00	ue and the Final D ig item (except 1 \$0 \$0 \$0 \$0 \$0	emissions event repate is the date of co	oorts. The Date impliance. led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Required	l is the date the in	nitial notification	enterin 0.00 0.00 0.00 0.00 0.00	g item (except so	emissions event repate is the date of co	oorts. The Date mpliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Required	l is the date the in	nitial notification	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	g item (except so	emissions event repate is the date of co	oorts. The Date mpliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Required	l is the date the in	nitial notification	enterin 0.00 0.00 0.00 0.00 0.00	g item (except so	emissions event repate is the date of co	oorts. The Date mpliance. led costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Required	l is the date the in	nitial notification	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	g item (except so	emissions event repate is the date of co	oorts. The Date mpliance. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Required	l is the date the in	nitial notification	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	g item (except so	emissions event repate is the date of co	oorts. The Date mpliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	ening Date			Docl	k et No. 2012-2164-AIR	- E	PCW
重新 医二氏性 医多氏性 医二氏性 医多种氏管切除结核	Respondent Case ID No.	Sid Richardson	Carbon, LTD.			•	ion 3 (September 2011) Revision August 3, 2011
Reg. Ent. Re						ren	Nevision ragase 5, 2011
	a [Statute]						
and the second s	ation Number	Rajesh Acharya 2	3				-
PROPORTION AND AND AND AND AND AND AND AND AND AN	Rule Cite(s)				.6.115(c), Tex. Health & S PSDTX1032, Special Condi		
Violatio	n Description	that occurred of 168666), th 24.26 lbs of dioxide, 1 hydrogen su emissions even and caused	on May 19, 201 ne Respondent nitrogen oxides .58 lbs of carbo lfide, and 13.28 nt occurred bed the offgas to b the Responde	2 and lasted sereleased 329.7 s, 32.49 lbs of panal sulfite, 4.7 s lbs of volatile tause the Unit 2 per routed to Flacet is precluded	Specifically, during an emeron hours and 35 minute 1 pounds ("lbs") of carbor particulate matter, 928.36 3 lbs of carbon disulfide, 4 organic compounds from 2 Primary Bag Filter valve are-2. Since this emissions 1 from asserting an affirmatical code § 101.222.	s (Incident No. monoxide, lbs of sulfur 1.73 lbs of Flare-2. This malfunctioned event was	
POR PRINCIPAL PR						Base Penalty	\$25,000
>> Environme	ntal, Proper	ty and Hum		Matrix			те тетения поменью на п
	Release	Major	Harm Moderate	Minor			**************************************
OR	Actual Potential			X	Percent 15.	0%]	venin/characteristics
_			/L/L			- :-1	resease
>>Programma	Falsification	Major	Moderate	Minor			en dilatera e en aca
					Percent 0.	0%	THE PERSON NAMED AND ADDRESS OF THE PERSON NAMED AND ADDRESS O
	Human health	or the environn	nent has been	exposed to insi	gnificant amounts of pollu	tants which do	OOODOO A HARACA
Matrix Notes	not exceed lev	vels that are pro	tective of hum	an health or en violation.	vironmental receptors as	a result of the	
					Adjustment	\$21,250	mers son amana
							\$3,750
Violation Event	ls						
	-	/iolation Events	1	F	1 Number of violat	ion davs	
redeling or books	Number of V	/iolation Events	L1	L	1 Number of violat	Jon days	u oo
TO THE PROPERTY AND A STATE OF		daily weekly					
normal monotone de la companya de la	mark only one	monthly					
	with an x	quarterly semiannual	×		Violation (Base Penalty	\$3,750
ms usundaggir i vyoya i		annual					A A A A A A A A A A A A A A A A A A A
Principal Account Control of the Con		single event					
The second secon			One quarterly	event is recom	nmended.		
Good Faith Effo	orts to Com	ply	25.0%	Reduction			\$937
		Extraordinary	Before NOV	IOV to EDPRP/Sett	tlement Offer		
		Ordinary	×				elde beneath and an analysis of the second s
		N/A		mark with x)		-1	diagnatic and the second secon
1 december—notation definances		Notes	,	•	torrective actions by May 2 tober 10, 2012 NOE.	1,	
No. of the Control of					Violat	ion Subtotal	\$2,813
Economic Bene	fit (EB) for	this violation	n		Statutory Li	nit Test	
Appropries	Estimate	ed EB Amount		\$0	Violation Final F	enalty Total	\$3,826
9000 #**********************************			This viola	ation Final As	sessed Penalty (adjuste	d for limits)	\$3,826
						4.4	

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	45291	Carbon, LTD.	aver menera-men 100 de 6 game note de mona-arms en 1760 (1865) (1970)				
Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
			230			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description			10000		54		State of the state
				STOREST STORES STORES			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	19-May-2012	21-May-2012	0.01	\$0	n/a	\$0
Notes for DELAYED costs			the d	ate of	compliance.	event began and the for one-time avoid	
Avoided Costs	ANNUAL	IZE [1] avoided	COSES DEIOIE	0.00	so so	\$0	\$0
Disposal				0.00	\$0	\$0	\$0 \$0
Personnel				0.00	\$0 \$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0
Supplies/equipment				0.00	\$0	\$0	
					30		% []
Financial Assurance [2]					t en	l ¢Ω	\$0 \$0
ONE-TIME avoided costs [3]				0.00		\$0 \$0	\$0
						\$0 \$0	
ONE-TIME avoided costs [3]				0.00			\$0

Screening Date		200 000 000 123 NOVO NOVO NOVO NOVO NOVO NOVO NOVO NOV	et No. 2012-2164-AIR-E		PCW
Respondent Case ID No.	Sid Richardson Carbon	, LTD.		-	(September 2011)
Reg. Ent. Reference No.	4			PCW Revisi	on August 3, 2011
Media [Statute]					
Enf. Coordinator	Rajesh Acharya				
Violation Number		- d- C-101 201/bV(1VC	Vand Tax Haalbh & Cafab G	S-10 C 1	
Rule Cite(s)	30 Tex. Admin. C	382.085(382.085)) and Tex. Health & Safety (b)	lode §	
-	Eallad to identify the		ounds or mixtures of air con	taminante	
Violation Description	released during the er 171999). Specifically	missions event that occ , the final emissions ev	urred on August 7, 2012 (In ent report failed to include p ers ("PM10"), carbon black,	cident No. articulate during the	
			Bas	se Penalty	\$25,000
>> Environmental, Proper					
Release	Hai Major Mode				
OR Actual				_	
Potential			Percent 0.0%		
>>Programmatic Matrix					
Falsification	Major Mode	rate Minor			
		X	Percent 1.0%		
		nega serben kontres et energe in institu			
Matrix	Less than 30%	of the rule requireme	nt was not met.		
Notes					
			Adjustment	\$24,750	
			Aujustment	\$24,730	
					\$250
Violation Events					
At	Violetian Evento		1 Number of violation	dayo	-
Number of	Violation Events 1		1 Number of violation	uays	
mark only one	daily weekly monthly		1 0.4.4.		4250
with an x	quarterly semiannual annual single event x		Violation Bas	se Penalty	\$250
	One s	single event is recomm	ended.		
Good Faith Efforts to Com	**************************************	0.0% Reduction			\$0
	Extraordinary Before	NOV NOV to EDPRP/Settle	ement Offer		
	Ordinary				
	N/A x	(mark with x)		_	
	Notes The Re	espondent does not me this viol	et the good faith criteria for ation.		
			Violation	· n Subtotal	\$250
Economic Benefit (EB) for	this violation	i de la companya de l	Statutory Limi	t Test	
AND THE PROPERTY OF THE PROPER		4261			#210
Estimat	ed EB Amount	\$26	Violation Final Pen	-	\$318
	Th	is violation Final Ass	essed Penalty (adjusted i	for limits)	\$318

Media Violation No.	\$					Percent Interest	Years of Depreciation
• Totalion ito		100				5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	21-Aug-2012	7-Sep-2013	1.05	\$26	n/a	\$26
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
, ,				cedures	s for the recordke	eping/reporting syste	em to comply
Notes for DELAYED costs Avoided Costs	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated	s for the recordkee Required is the da I date of compliance	eping/reporting systo te the final record w	em to comply as due. Final
Notes for DELAYED costs	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated	s for the recordkee Required is the da I date of compliance	eping/reporting systo te the final record w ce.	em to comply as due. Final
Notes for DELAYED costs Avoided Costs	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated	s for the recordkee Required is the da I date of compliance Ing Item (except)	eping/reporting systo te the final record w ce. for one-time avoid	em to comply as due. Final led costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated enterir 0.00	s for the recordkee Required is the da I date of complianc ng item (except \$0	eping/reporting systete the final record word. for one-time avoid \$0	em to comply as due. Final led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated enterir 0.00	s for the recordket Required is the da i date of complianc ing item (except \$0 \$0	eping/reporting systete the final record wore. for one-time avoid \$0 \$0	em to comply as due. Final led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	with emission	ons event reportin	g requirements Date is the est	cedures Date Imated O.00 0.00 0.00	s for the recordkee Required is the da d date of compliance ing item (except 1 \$0 \$0 \$0	eping/reporting syste te the final record wite. for one-time avoid \$0 \$0 \$0 \$0	em to comply as due. Final led costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	with emission	ons event reportin	g requirements Date is the est	cedures Date imated enterir 0.00 0.00 0.00	s for the recordket Required is the da I date of compliant ing item (except so \$0 \$0 \$0 \$0	eping/reporting systete the final record wore. for one-time avoid \$0 \$0 \$0 \$0	em to comply as due. Final led costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	with emission	ons event reportin	g requirements Date is the est	cedures Date imated enterir 0.00 0.00 0.00 0.00	s for the recordket Required is the da I date of compliance of item (except \$0 \$0 \$0 \$0 \$0	eping/reporting system to the final record water. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	em to comply as due. Final sed costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated enterir 0.00 0.00 0.00 0.00 0.00	s for the recordkee Required is the da I date of compliance so \$0 \$0 \$0 \$0 \$0 \$0	eping/reporting systems to the final record work. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	em to comply as due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel (Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	with emission	ons event reportin	g requirements Date is the est	cedures . Date imated enterir 0.00 0.00 0.00 0.00 0.00	s for the recordkee Required is the da I date of compliance so \$0 \$0 \$0 \$0 \$0 \$0	eping/reporting systems to the final record work. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	em to comply as due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date	7-Feb-2013		Docke	et No. 2012-2164-AIR-E		PCW
		Sid Richardson	Carbon, LTD.			Policy Revision	3 (September 2011)
Fig. 1. 1. Walter of the Annual Party of the Management of the Conference of the	Case ID No.					PCW Rev	ision August 3, 2011
Reg. Ent. Re							oo angahawa
	ia [Statute]	Air Rajesh Acharya					aprojeko-ka-ko-
 A 1	ation Number						
****	Rule Cite(s)		n. Code §§ 10	1.20(3) and 116	.115(c), Tex. Health & Saf	ety Code §	did-differentiation
ONL-PROPERTY CONTRACTOR OF THE PROPERTY CONTRACT		382.085(b), a	and Permit No	s. 1867A and PSI and 2	OTX1032, Special Condition	ns Nos. 1A	**************************************
Violatio	on Description	that occurred of the Respondery File Secondary File resulted in 100 opacity to 15 because the Ure overload and of	on August 7, 2 dent released lter Stack, Em 0% opacity fro % averaged o nit 2 Secondar verpressure complete, the	012, and lasted to 991.61 pounds of the poun	pecifically, during an emission wenty minutes (Incident Note of PM10, carbon black, from "EPN")-2. Also, the emission minutes and the permeriod. This emissions even ing was mechanically dam since the final report for the cluded from asserting an in. Code § 101.222.	No. 171999), In Plant 1 Islicions event It limits the Int occurred It aged due to Its emissions	
on the state of th					Ba	ase Penalty	\$25,000
>> Environme	ntal, Proper Release		an Health Harm Moderate	Matrix Minor		• •	
OR	Actual			X		. 71	
	Potential	L			Percent 15.0%	<u>%</u>	-
>>Programma	tic Matrix Falsification	Major	Moderate	Minor			
					Percent 0.09	%	
					-		
Matrix Notes	11				nificant amounts of pollutar ironmental receptors as a	result of the	de de la constante de la const
					Adjustment	\$21,250	Asset
,							\$3,750
	= = = = = = = = = = = = = = = = = = = =						Montana proping
Violation Even	is .						WFF-0-000000
	Number of \	Violation Events	1		1 Number of violatio	n days	PA PARENTO CA
	mark only one with an x	dally weekly monthly quarterly semiannual	X	L	Violation Ba	ase Penalty	\$3,750
		annual single event				1	
			One quarterly	event is recomm	ended.		· ·
Good Faith Effe	orts to Com	ply	0.0%	Reduction			\$0
		and a tomorthic state the second state of the		NOV to EDPRP/Settle	ment Offer	· · · · · · · · · · · · · · · · · · ·	
		Extraordinary					eef destinations at
		Ordinary		(mark with ~			depres constant
		N/A 	•	(mark with x)		1	VANDESEES
		Notes	The Responde	ent does not mee this viola	t the good faith criteria for tion.		And the second s
		£.			Violatio	on Subtotal	\$3,750
Economic Bene	fit (EB) for	this violatio	n		Statutory Lim	it Test	
	Estimate						17.76
		ed EB Amount		\$81	Violation Final Pe	naity Total	\$4,763
		ed EB Amount	This viol		Violation Final Perssed Penalty (adjusted	~	\$4,763

Media Violation No.	36					Percent Interest	Years of Depreciation
	18					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	est of the second	- 50				
Delayed Costs						15	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0		+0
				0.00		n/a	\$0
Other (as needed)			a routine preve	1.08 entive n	\$81 naintenance progr	n/a am to prevent a rec	\$81 ccurrence of
Notes for DELAYED costs	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive n date the e of co	\$81 naintenance progr ne emissions event mpliance.	n/a am to prevent a rec t began. Final Date i	\$81 ccurrence of s the esimated
Notes for DELAYED costs Avoided Costs	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive n date the e of co	\$81 naintenance progr ne emissions event mpliance. ng item (except	n/a am to prevent a rec t began. Final Date i for one-time avoic	\$81 ccurrence of s the esimated led costs)
Notes for DELAYED costs Avoided Costs Disposal	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive ridate the of colember of cole	\$81 naintenance prograe emissions evenimpliance. ng item (except \$0	n/a am to prevent a rec t began. Final Date I for one-time avoic \$0	\$81 ccurrence of s the esimated led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive ridate the of coentering 0.00 0.00	\$81 maintenance progrie emissions evenimpliance. ng item (except \$0 \$0 \$0	n/a am to prevent a rec t began. Final Date i for one-time avoic \$0 \$0	\$81 ccurrence of s the esimated led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive ridate the of colorenterir 0.00 0.00 0.00	\$81 naintenance progrie emissions event mpliance. ng item (except \$0 \$0	n/a am to prevent a rec t began. Final Date for one-time avoid \$0 \$0 \$0 \$0	\$81 ccurrence of s the esimated led costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive ridate the of color of colo	\$81 naintenance prograe emissions event mpliance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a am to prevent a rec t began. Final Date i for one-time avoic \$0 \$0 \$0 \$0	\$81 ccurrence of s the esimated led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive n date th e of con enterin 0.00 0.00 0.00 0.00 0.00	\$81 naintenance prograe emissions event mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a am to prevent a rec t began. Final Date i for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$81 ccurrence of s the esimated led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive ridate the of corenterin 0.00 0.00 0.00 0.00 0.00 0.00	\$81 naintenance prograe emissions event mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a am to prevent a rec t began. Final Date i for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$81 ccurrence of s the esimated ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive n date th e of con enterin 0.00 0.00 0.00 0.00 0.00	\$81 naintenance prograe emissions event mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a am to prevent a rec t began. Final Date i for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$81 ccurrence of s the esimated led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated o similar emissi	cost to implement ons events. Date	a routine preve Required is the dat	1.08 entive ridate the of corenterin 0.00 0.00 0.00 0.00 0.00 0.00	\$81 naintenance prograe emissions event mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a am to prevent a rec t began. Final Date i for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$81 ccurrence of s the esimate led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

\$1,016

	Calculatio	n worksneet (PC	•	
Policy Revision 2 (September 2002)			PCW Revision C	October 30, 2008
DATES Assigned 31-Jan-2013				
	ning 7-Feb-2013	EPA Due		
	error control of the Assessment of the		***************************************	
RESPONDENT/FACILITY INFORMATION	100			
Respondent Sid Richardson Carbon, I	LTD.			
Reg. Ent. Ref. No. RN100222413			1·	
Facility/Site Region 1-Amarillo		Major/Minor Source	e _[Ma]or	
CASE INFORMATION				
Enf./Case ID No. 45291		No. of Violations	1	
Docket No. 2012-2164-AIR-E		Order Type		
Media Program(s) Air		Government/Non-Profit	No	
Multi-Media		Enf. Coordinator		
		#*************************************	Enforcement Team	4
Admin. Penalty \$ Limit Minimum \$0	Maximum	\$10,000		0.000
	11			
Per	naity Calcula	tion Section		
TOTAL BASE PENALTY (Sum of violat	ion base pena	lties)	Subtotal 1	\$1,000
	***************************************		-	
ADJUSTMENTS (+/-) TO SUBTOTAL 1	Basa Danaltu (Cubtetal	1) by the indicated percentage		
Subtotals 2-7 are obtained by multiplying the Total Compliance History	27.0%		otals 2, 3, & 7	\$270
		nial of liability, one NOV with with dissimilar violations.		
same/similar violati	ons, and one NOV	with dissimilar violations.		
Culpability No	0.0%	• Enhancement	Subtotal 4	\$0
		. Emancement		
Notes The Responder	it does not meet th	e culpability criteria.		
			C.14-4-1-	<u> </u>
Good Faith Effort to Comply Total Ad	Justments		Subtotal 5	\$0
Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
Total EB Amounts \$60		ed at the Total EB \$ Amount		
Approx. Cost of Compliance \$500				
SUM OF SUBTOTALS 1-7			inal Subtotal	\$1,270
Sort of Sobiolars 17	5.045.04	•	mu, Jubiotai	
OTHER FACTORS AS JUSTICE MAY RE	OUTRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage			_	
Notes				
		Final Per	nalty Amount	\$1,270
CTATUTODY I INTE A STUCTOCH				£1 370
STATUTORY LIMIT ADJUSTMENT		Final Asse	ssed Penalty	\$1,270
DEEEDBAI		20 006 Padaria		-\$254
DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage	e. (Enter number only:	e.a. 20 for 20% reduction.)	Adjustment	-7434
reduces the ring Assessed renaity by the indicted percentage	c. (cinci nominei only)	Gig. 20 for 20 for reduction.)]	

Deferral offered for expedited settlement.

Notes

PAYABLE PENALTY

Screening Date 7-Feb-2013

Docket No. 2012-2164-AIR-E

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Respondent Sid Richardson Carbon, LTD.

Case ID No. 45291

Reg. Ent. Reference No. RN100222413

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs		2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	Ĺ	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
A41E-	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
at Violator (Adjustment Per		
Satisfactory	ry Person Classification (Subtotal 7) Performer Adjustment Per	rcentage (Sub	total 71
	ry Summary		
Compliance History Notes	Enhancement for one agreed order with denial of liability, one NOV with same/sir and one NOV with dissimilar violations.	nilar violations,	
	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)
omnijance			

Screening Date		Docket No. 2012-2164-AIR-E	PCW
I The state of the	Sid Richardson Carbon, LTD.		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision October 30, 2008
Media [Statute]			
Enf. Coordinator			oodier aanse
Violation Number			0F-114-0-114-11-10-1-4-1
Rule Cite(s)	30 Tex. Admin. Code §§ 122 § 382.085(b), and Federa	.143(4) and 122.145(2)(A), Tex. Health & Sal Operating Permit No. O-1414, General Ter	ms and
Zadowy w w w w w w w w w w w w w w w w w w		Conditions	
refree			
		and adequately all instances of deviations. Sp include five upset events and the late submit	
Violation Description	6	viation report on the semi-annual deviation	Table Station of the Color of t
· ·	covering the period of	f September 20, 2010 through March 19, 20	1
egyeye ezenn			
OCCUPATION OF THE PROPERTY OF		Bas	e Penalty \$10,000
>> Environmental, Proper	ty and Human Health	Matrix	
>> Environmental, Proper	ty and ridinal Health Harm	PIGUIX	
OR Release Actual		Minor	
OR Actual Potential		Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate	Minor	
raisiii Catolii	Major Moderate	Percent 10%	
<u> </u>			
Matrix			
Notes	50% of the rule	requirement was not met.	
		Adjustment	\$9,000
			\$1,000
Violation Events		-	
Violation Events			
Number of \	Violation Events 1	661 Number of violation	days
	daily lesses and	1	
70000	weekly		
mark only one	monthly		
with an x	quarterly semiannual	Violation Base	Penalty \$1,000
	annual		
	single event x		
The state of the s			
	One single ϵ	event is recommended.	
Good Faith Efforts to Com	ply 0.0%	Reduction	\$0
		NOV to EDPRP/Settlement Offer	
	Extraordinary Ordinary		The state of the s
	N/A X	(mark with x)	***************************************
	The Responde	ent does not meet the good faith criteria for	symptocourse
YOUR AND A STATE OF THE STATE O	Notes	this violation.	Schwart Printere
		Violation	Subtotal \$1,000
Economic Benefit (EB) for	this violation	Statutory Limit	Test
	:		
Estimate	ed EB Amount	\$60 Violation Final Pena	ilty Total \$1,270
	This viola	ation Final Assessed Penalty (adjusted fo	or limits) \$1,270

Respondent S Case ID No. 4							
eg. Ent. Reference No. F							
Media					•		Years of
Violation No.						Percent Interest	Depreciation
Violation No.	L					5.0	. 15
19 19 19 19 19 19 19 19 19 19 19 19 19 1		n	Final Date	V	Interest Faund	Onetime Costs	EB Amount
		Date Required	rinai Date	TIS	Interest Saveu	Officialle Costs	LD Amount
Item Description	No commas or \$				and the second		
Delayed Costs						T +0 T	+0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land [0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Remediation/Disposal							
Remediation/Disposal Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$500 Estimated co	18-Apr-2011 ost to implement r	7-Sep-2013 neasures to en	0.00 2.39 sure co	\$0 \$60 mplete and accura	n/a n/a ate submittal of devi	\$0 \$60 ation reports.
Permit Costs	Estimated co	ost to implement r ed is the date the	neasures to en deviation repor	0.00 2.39 sure co	\$0 \$60 mplete and accura due. Final Date is t	n/a n/a	\$0 \$60 ation reports.



Compliance History Report

PUBLISHED Compliance History Report for CN600131171, RN100222413, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

gulated Entity:	RN100222413, SID RICHARDSON CARBON BORGER PLANT	Classification: SATISFACTORY	Rating: 12.88
mplexity Points:	15	Repeat Violator: NO	
Group:	05 - Chemical Manufacturing		
ation:	9455 FM 1559 BORGER, TX 79007, HUTC	HINSON COUNTY	
EQ Region:	REGION 01 - AMARILLO		

REGISTRATION # (SWR) 37420 **WASTEWATER PERMIT WQ0000812000 AIR NEW SOURCE PERMITS PERMIT 1867A AIR NEW SOURCE PERMITS REGISTRATION 45755 AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1032 **AIR EMISSIONS INVENTORY ACCOUNT NUMBER HW0017R**

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HW0017R AIR NEW SOURCE PERMITS AFS NUM 4823300002 **AIR NEW SOURCE PERMITS REGISTRATION 23162 STORMWATER PERMIT TXR05AH39**

Compliance History Period:	September 01, 2007	Rating Year:	r: 2012	Rating Date:	09/01/2012	
Date Compliance History Rep	ort Prepared:					
Agency Decision Requiring Co	ompliance History	Enforcement				
Component Period Selected:	2					
TCEQ Staff Member to Contac	t for Additional Ir	nformation Regardir	ng This Com	oliance His	story.	
Name: Rajesh Acharya			Phone:	(512) 239-0)577	
•	t for Additional Ir	nformation Regardin				

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

3) If YES for #2, who is the current owner/operator? N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

N/A

5) If YES, when did the change(s) in owner or operator occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

ADMINORDER 2008-0145-AIR-E (1660 Order-Agreed Order With Denial) Effective Date: 11/06/2008

Classification: Major

30 TAC Chapter 116, SubChapter B 116.110(a)

5C THSC Chapter 382 382.0518(a) 5C THSC Chapter 382 382.085(b)

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from Unit No. 4 Flare System [emission point number ("EPN") 117] on December 20, 2006.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

> 5C THSC Chapter 382 382.0518(a) 5C THSC Chapter 382 382.085(b)

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from Unit No. 4 Flare System

(EPN 117) on February 18, 2007.

Classification: Major

30 TAC Chapter 116, SubChapter B 116.110(a) Citation:

> 5C THSC Chapter 382 382.0518(a) 5C THSC Chapter 382 382.085(b)

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from Unit No. 1 Flare System

(EPN 113) on March 17, 2007.

Classification: Major

30 TAC Chapter 116, SubChapter B 116.110(a) Citation:

> 5C THSC Chapter 382 382.0518(a) 5C THSC Chapter 382 382.085(b)

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from Unit No. 3 Flare System

(EPN 116) on March 24, 2007.

Classification: Moderate

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Description: Failed to report all instances of deviations. Specifically, failure to report the 108 non-reportable emission events on

the semiannual deviation report for the period covering September 19, 2006 to March 19, 2007.

Classification: Major

30 TAC Chapter 101, SubChapter A 101.20(2) Citation:

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2)

5C THSC Chapter 382 382.085(b)

Description: Failed to test No. 3 Flare within 180 days. Specifically, testing was due by August 12, 2006.

Classification: Major

30 TAC Chapter 101, SubChapter A 101.20(2) Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 12B PERMIT

Description: Failed to properly operate the flare by not having the pilot light lit at all times when emissions were vented to them. Specifically, during the non-reportable emission events of November 3, 2006, November 15, 2006 and November 16, 2006, the flare either failed to light or was slow to light.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 18, 2007	(598646)
Item 2	December 20, 2007	(598396)
Item 3	March 20, 2008	(637945)
Item 4	June 12, 2008	(614162)
Item 5	June 17, 2008	(683194)
Item 6	July 07, 2008	(682048)
Item 7	August 15, 2008	(687368)
Item 8	December 16, 2008	(708557)
Item 9	February 11, 2009	(725952)
Item 10	May 27, 2009	(746895)
Item 11	August 03, 2009	(763132)
Item 12	November 04, 2009	(780280)
Item 13	November 13, 2009	(776984)
Item 14	July 29, 2010	(843053)
Item 15	October 14, 2010	(866561)
Item 16	October 22, 2010	(871475)
Item 17	February 15, 2011	(894964)
Item 18	May 26, 2011	(921647)
Item 19	May 27, 2011	(922124)
Item 20	July 29, 2011	(943883)

Item 21	August 18, 2011	(948926)
Item 22	September 27, 2011	(956277)
Item 23	October 05, 2011	(958592)
Item 24	October 12, 2011	(958788)
Item 25	November 21, 2011	(968514)
Item 26	December 28, 2011	(976155)
Item 27	December 29, 2011	(975993)
Item 28	April 10, 2012	(996189)
Item 29	April 20, 2012	(997595)
Item 30	June 01, 2012	(1009021)
Item 31	June 07, 2012	(1009759)
Item 32	June 12, 2012	(1011493)
Item 33	June 29, 2012	(1013373)
Item 34	July 03, 2012	(1015008)
Item 35	August 06, 2012	(1022473)
Item 36	September 25, 2012	(1030940)
Item 37	October 08, 2012	(1035975)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date:

05/18/2012

(1006496)

CN600131171

Classification:

Citation:

Self Report?

30 TAC Chapter 335, SubChapter A 335.4

5C THSC Chapter 382 382.085(b)

Description:

Failure to prevent the unauthorized discharge of a solid waste

Date: 2

07/13/2012

(1019714)

CN600131171 Classification:

Moderate

Moderate

Self Report? Citation:

NO

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THSC Chapter 382 382.085(b)

Description:

Failed to comply with 5C THSC §382.085(b) and 30 TAC §122.145(2)(c).

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Published Compliance History Report for CN600131171, RN100222413, Rating Year 2012 which includes Compliance History (CH) components from November 28, 2007, through November 28, 2012. Page 3

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ ENFORCEMENT ACTION \$ CONCERNING \$ TO SID RICHARDSON CARBON, \$ LTD. \$ RN100222413

§ BEFORE THE
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-2164-AIR-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sid Richardson Carbon, LTD. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a carbon black manufacturing plant at 9455 Farm-to-Market Road 1559 in Borger, Hutchinson County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about October 15, 2012 and January 30, 2013.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Ten Thousand Four Hundred Thirty-One Dollars (\$10,431) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Three Hundred

Forty-Five Dollars (\$8,345) of the administrative penalty and Two Thousand Eighty-Six Dollars (\$2,086) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By August 8, 2012, trained operators to ensure the timely submittals of emissions event reports; and
 - b. By May 21, 2012, implemented a routine preventive maintenance program to prevent reoccurrence of similar emissions events as Incident No. 168666.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to submit an initial notification for Incident No. 168666 no later than 24 hours after the discovery of the emissions event, in violation of 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on September 11, 2012. Specifically, the emissions event occurred on May 19, 2012, but the initial notification was not submitted until May 21, 2012.
- 2. Failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit Nos. 1867A and PSDTX1032, Special Conditions No. 1A, as documented during an

investigation conducted on September 11, 2012. Specifically, during an emissions event that occurred on May 19, 2012 and lasted seven hours and 35 minutes (Incident No. 168666), the Respondent released 329.71 pounds ("lbs") of carbon monoxide, 24.26 lbs of nitrogen oxides, 32.49 lbs of particulate matter, 928.36 lbs of sulfur dioxide, 1.58 lbs of carbonal sulfite, 4.73 lbs of carbon disulfide, 4.73 lbs of hydrogen sulfide, and 13.28 lbs of volatile organic compounds from Flare-2. This emissions event occurred because the Unit 2 Primary Bag Filter valve malfunctioned and caused the offgas to be routed to Flare-2. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

- 3. Failed to identify the individually listed compounds or mixtures of air contaminants released during the emissions event that occurred on August 7, 2012 (Incident No. 171999), in violation of 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b), as documented during an investigations conducted on November 7 and November 8, 2012. Specifically, the final emissions event report failed to include particulate matter with diameters less than 10 micrometers ("PM10"), carbon black, during the event.
- 4. Failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit Nos. 1867A and PSDTX1032, Special Conditions Nos. 1A and 2, as documented during an investigations conducted on November 7 and November 8, 2012. Specifically, during an emissions event that occurred on August 7, 2012, and lasted twenty minutes (Incident No. 171999), the Respondent released 991.61 lbs of PM10, carbon black, from Plant 1 Secondary Filter Stack, Emission Point No. ("EPN")-2. Also, the emissions event resulted in 100% opacity from EPN-2 for twenty minutes and the permit limits the opacity to 15% averaged over a 6-minute period. This emissions event occurred because the Unit 2 Secondary Bag Filter housing was mechanically damaged due to overload and overpressure causing a crack. Since the final report for this emissions event was incomplete, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 5. Failed to report completely and adequately all instances of deviations, in violation of 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-1414, General Terms and Conditions, as documented during an investigations conducted on November 7 and November 8, 2012. Specifically, the Respondent failed to include five upset events and the late submittal of a previous semi-annual deviation report on the semi-annual deviation report covering the period of September 20, 2010 through March 19, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sid Richardson Carbon, LTD., Docket No. 2012-2164-AIR-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent recurrences of emissions events due to similar causes as Incident No. 171999;
 - ii. Implement procedures to ensure that reportable emissions event notifications are submitted completely and accurately; and
 - iii. Implement measures to ensure that all deviation reports are submitted completely and accurately.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

Sid Richardson Carbon, LTD. DOCKET NO. 2012-2164-AIR-E Page 5

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section Manager Amarillo Regional Office Texas Commission on Environmental Quality 3918 Canyon Drive Amarillo, Texas 79109-4933

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

Sid Richardson Carbon, LTD. DOCKET NO. 2012-2164-AIR-E Page 6

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Sid Richardson Carbon, LTD.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pam Jowe T For the Executive Director	7/11/13 Date
I, the undersigned, have read and understand the at agree to the attached Agreed Order on behalf of the do agree to the terms and conditions specified therein accepting payment for the penalty amount, is material	entity indicated below my signature, and I i. I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the Cand/or failure to timely pay the penalty amount, may react the Anegative impact on compliance history; Greater scrutiny of any permit applications subtractional penalties, and/or attorney General additional penalties, and/or attorney fees, or to the Increased penalties in any future enforcement and the Automatic referral to the Attorney General's and TCEQ seeking other relief as authorized by law In addition, any falsification of any compliance documents. 	result in: omitted; l's Office for contempt, injunctive relief o a collection agency; actions; Office of any future enforcement actions;
R. Busmille Signature	4813 Date
A. RIAZ BISMIlla	VP Production
Name (Printed or typed) Authorized Representative of	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.